

PATENT APPLN. NO. 10/695,459
RESPONSE UNDER 37 C.F.R. § 1.111

PATENT
NON-FINAL

REMARKS

Claims 36 and 37 have been amended to recite the method of the present invention in terms of positive steps of denaturing and adsorbing acarian allergens and by limiting the amount of the compounds used in the method. These amendments have been made in view of the statements in the Action that the claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed.

The claims as amended are believed to avoid the prior art grounds of rejection in the present Action.

Referring to the rejections in the Action, it is noted initially that a "Declaration re Inventorship" of the inventors of the subject matter of claims 36 and 37, Taro SUZUKI and Mitsuhiro TERAMOTO, is being submitted herewith to remove the rejection of the claims under 35 U.S.C. § 102(a) over Fujimori et al., JP 2003-081842 ("Fujimori"). The declaration states that the subject matter that is described in Fujimori and that is claimed in the present application is their, i.e., Taro SUZUKI's and Mitsuhiro TERAMOTO's, invention.

None of the references, i.e., Hikada et al., Tougi et al., and Hertlein et al., cited in the remaining 35 U.S.C. § 102 rejections,

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discloses or suggests a method of inhibiting acarian allergens by denaturing or adsorbing the allergens by contacting the allergens with a denaturing effective amount or adsorbing effective amount of a specified compound as recited in claims 36 and 37 and the denaturing or adsorbing of allergens using a denaturing effective amount or adsorbing effective amount of at least one of the specified compounds is not necessarily inherent in the references.

In the present invention, the occurrence of allergic symptoms is prevented by denaturing or adsorbing the acarian allergens to inhibit reactivity with specific antibodies of the allergens. None of Hikada et al., Tougi et al., and Hertlein et al. disclose such prevention of allergic symptoms.

Removal of the 35 U.S.C. § 102 grounds of rejection is believed to be in order and is respectfully solicited.

The foregoing is believed to be a complete and proper response to the Office Action dated August 1, 2008.

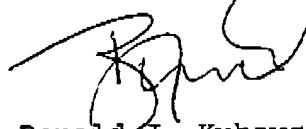
In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension and any additional required fees may be charged to our Deposit Account No. 111833.

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In the event any additional fees are required, please also
charge our Deposit Account No. 111833.

Respectfully submitted,
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Enclosure: Declaration re Inventorship

Jan. 2. 2009 7:26PM KUBOVCIK & KUBOVCIK

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/695,459 Confirmation No. 4579
Applicant : Taro SUZUKI et al.
Filed : October 29, 2003
TC/A.U. : 1618
Examiner : Leah Schlientz
Dkt. No. : YTO-004
Cust. No. : 20374

DECLARATION RE INVENTORSHIP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Taro SUZUKI and Mitsuhito TERAMOTO, declare and state THAT:

1. They are the inventors of the subject matter recited in the claims of application Serial No. 10/695,459 (hereinafter: "the present application");

2. They, together with Yoji FUJIMORI, are the inventors of the subject matter described in JP 2003-081842, which is cited in the Office Action mailed August 1, 2008, in the present application and identified as "Fujimori et al." (hereinafter: "Fujimori");

3. The subject matter described in Fujimori includes the subject matter that is claimed in the present application and

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U.S PATENT APPLN S.N. 10/695,459
DECLARATION RE INVENTORSHIP

that is their invention and other subject matter that is an invention that was made by Taro SUZUKI, Mitsuhiro TERAMOTO and Yoji FUJIMORI.

That all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and that further these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Signed this 20th day of November, 2008.

signed: Taro Suzuki

Name: Taro SUZUKI

signed: Mitsuhiro Teramoto

Name: Mitsuhiro TERAMOTO